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(Rough Draft for Consideration Only.)

[CONFIDENTIAL]

No. , 1926.

A BILL

To regulate and license the use, carriage, possession, and sale of pistols; to repeal the Gun License Act, 1920; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pistol License Act, 1926." Short title and commencement.

(2) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Gun License Act, 1920, is hereby repealed. Repeal of Act No. 42, 1920.

(2) All regulations made under the said Act and in force at the commencement of this Act in so far as they relate to pistols and are not inconsistent with this Act, shall be deemed to continue in force until repealed by regulations made under this Act. Savings.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“Pistol” means any lethal weapon from which any shot, bullet, or other missile can be discharged, and of which the length of barrel, not including any revolving detachable or magazine breech, does not exceed nine inches, but does not include a toy pistol or an antique pistol which is kept or sold as a curiosity or ornament.

“Pistol dealer” means a person who by way of trade or business manufactures, sells, or repairs pistols or exposes or has in his possession pistols for sale or repair.

“Prescribed” means prescribed by this Act or by any regulation made thereunder.

4. (1) A person shall not purchase, carry, or have in his possession any pistol unless he holds a license (hereinafter called a “pistol license”) issued under this Act and in force at the time. License for purchasing, using, carrying, or possessing a pistol.

(2) A separate pistol license shall be taken out in respect of each such pistol, and such license shall not be transferable.

(3) No alien or person who has been convicted of a felony shall be entitled to obtain or hold a pistol license.

(4) (a) Any person who has in his possession any pistol without a pistol license for such pistol shall be liable to a penalty not exceeding *fifty* pounds.

(b) Any person who uses or carries any pistol without a pistol license for such pistol shall if such offence be committed after the hour of seven o'clock in the morning and before the hour of seven o'clock in the evening

evening be liable to a penalty not exceeding *one hundred* pounds, and shall if the offence be committed after the hour of seven in the evening and before the hour of seven in the morning be liable in addition to the said penalty to imprisonment for a term not exceeding *six* months.

(c) This section shall not apply to—

- (i) any person in the naval, military, or air service of His Majesty, or in the police force, or to a member of a rifle club who has in his possession any pistol prescribed for the use of such service or force or club or who uses or carries any such pistol in the performance of his duty or when engaged in or proceeding to or from drill or target practice; or
- (ii) any pistol dealer or his servant who has in his possession or carries a pistol in the ordinary course of the trade or business of a pistol dealer or who uses a pistol by way of testing or regulating its strength or quality in a place specially set apart for such purpose; or
- (iii) any common carrier or warehouseman or his servant who has in his possession or carries a pistol in the ordinary course of the trade or business of a common carrier or warehouseman; or
- (iv) any person who uses a pistol for the purpose of shooting at a shooting gallery which is under the personal supervision of a responsible person in charge thereof; or
- (v) any person who has in his possession a pistol acquired and held as a trophy.

(d) Upon the hearing of any information for any breach of any of the provisions contained in this section the person complained against shall be required to prove that he is the holder of a pistol license duly issued under this Act or that he is a person to whom this section does not apply upon any of the grounds set out in paragraph (c) of this subsection.

5. (1) Applications for licenses under this Act, or the renewal of such licenses, shall be made to the officer of police in charge of the police station in or nearest to the place where the applicant usually resides. Application for and issue of licenses.

(2) Such officer of police may, if he is satisfied that the applicant is a person who has a good reason for requiring the license applied for and can be permitted to have in his possession, use, and carry a pistol without any danger to the public safety or to the peace, issue such license in the form prescribed therefor.

No pistol license shall be issued to a person under the age of eighteen years.

(3) The fee payable upon the issue of any pistol license and upon each renewal thereof shall be the sum of ten shillings.

6. Any applicant aggrieved by a refusal of an officer in charge of a police station to issue any such license may appeal from such refusal to the court of petty sessions in or nearest to the place where the applicant resides, and the decision of such court shall be final and binding upon the applicant and upon such officer of police. Appeal if application refused.

7. A pistol license shall, unless previously revoked, continue in force until the thirty-first day of December following the date of the issue thereof, but may be renewed for a further period expiring on the thirty-first day of December next following the date upon which the license is renewed, and so from time to time, and the provisions of this Act with respect to the issue of a pistol license shall apply to the renewal of a pistol license. Duration of licenses.

8. Any license issued under this Act may be revoked by notice in writing signed by the officer in charge of the police station in or nearest to the place where the holder of the license usually resides if he is satisfied that the holder thereof is prohibited by this Act from holding a license or is a person of unsound mind or of intemperate habits or is otherwise unfitted to be entrusted with a pistol, subject nevertheless to the like right of appeal as in the case of a refusal to issue a license. Revocation of licenses.

9.

9. A list of all licenses issued under this Act at any police station shall be kept there and shall be open for inspection at all reasonable times upon payment of the fee (if any) prescribed. Inspection of list of licenses.

10. (1) It shall be unlawful to sell by retail or by auction or by private sale or to let on hire a pistol to any person unless at the time of the sale or hire such person either produces a pistol license or gives reasonable proof that he is a person entitled to use or carry or have in his possession a pistol without a pistol license by virtue of the fourth section of this Act or that he is about to proceed abroad for a period of not less than six months and produces a statement to that effect signed by himself and by a police officer of the district within which he resides of a rank not lower than that of inspector or by himself and by a justice of the peace. Sale or hire of pistols.

(2) Every person who in the course of business sells by retail or by auction or lets on hire a pistol shall before delivery make or cause to be made an entry in a book to be kept for that purpose specifying the description of the pistol sold or let on hire, the date of such sale or hire, the name and address of the purchaser or hirer and of the officer of police by whom the pistol license produced by the purchaser or hirer was issued, the date of such license or the circumstances exempting such purchaser or hirer from having such license. Entry of sale or hire.

Such book shall be produced for inspection on the request of any officer of police.

(3) Any person who—

Penalty.

- (a) contravenes any of the foregoing provisions of this Act; or
- (b) on the sale or hire of a pistol knowingly makes or causes to be made any false entry or statement as to any matter concerning which he is required by this section to make an entry or statement,

shall be liable on summary conviction to a penalty not exceeding *twenty* pounds.

11. (1) Any person who carries on the trade or business of a pistol dealer, unless he shall first have obtained a certificate of registration, shall be liable Registration of pistol dealers.

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on summary conviction for a first offence to a penalty not exceeding *fifty* pounds, and for a second or subsequent offence to a penalty not exceeding *one hundred* pounds:

(2) Applications for such a certificate shall be made in the prescribed form to, and such certificate may be issued in a prescribed form by the clerk of the court of petty sessions in or nearest to the place where the applicant carries on the trade or business of a pistol dealer, on payment of the sum of one pound for every such certificate, and such certificate shall be in force until the thirty-first day of December after the date of the issue thereof, and may on application in the prescribed manner be renewed from time to time upon payment of a like fee.

12. Any member of the police force may demand from any person who at the time of such demand may be using or carrying any pistol the production of the license for so doing, and may also demand from such person his name and address. Demand for production of pistol license.

If such person refuses to produce such license or does not give his name and address or gives a false name or address, he shall for every such offence be liable to a penalty not exceeding *ten* pounds.

13. Any member of the police force may seize any pistol found in the possession of and being used or carried for the purpose of use by any person not being the holder of a license therefor under this Act, and such pistol may be forfeited to His Majesty. Seizure and forfeiture of pistols.

14. If a justice is satisfied by information on oath that there is reasonable ground for suspecting that any pistol is concealed or lodged in any premises or place in breach of this Act, he may grant a search warrant authorising any member of the police force named therein to enter at any time, if necessary by force, and to search any premises or place named in such warrant and every person found therein, and to seize and detain any pistol which he may find on the premises or place or on such person and in respect of which he has reasonable grounds for suspecting that there has been or is a breach of this Act. Power to search premises for pistols.

15.

15. Any person who has a pistol in his possession and who does not take all reasonable precautions to ensure the safe keeping of such pistol shall be liable to a penalty not exceeding *ten* pounds.

Precautions
to be taken
by pistol
owners.

16. Any parent or guardian of a person under the age of eighteen years who uses, carries, or has in his possession any pistol shall be liable to a penalty not exceeding *ten* pounds unless such parent or guardian proves that such use, carriage, or possession was without his consent or knowledge, and that he took all reasonable precautions to prevent the same, or proves that the person under the age of eighteen years using the pistol was so using it under the supervision of a person holding a pistol license.

Liability of
parent or
guardian of a
child under
eighteen.

17. Any person who within the boundary of any municipality uses in connection with a pistol any contrivance commonly known as or in the nature of a Maxim silencer shall be liable to a penalty not exceeding *twenty* pounds.

Maxim
silencers.

18. (1) The Governor may make regulations prescribing all fees necessary under this Act and generally for carrying out the provisions of this Act, and may in these regulations impose any penalty not exceeding *ten* pounds for any breach of the same.

Regulations.

The regulations so made shall—

- (i) be submitted for the approval of the Governor;
- (ii) be published in the Gazette;
- (iii) take effect from the date of such publication or from a later date to be specified in the regulations;
- (iv) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

19.

19. Any penalty incurred by this Act or the regulations made thereunder may be recovered in a summary manner before two or more justices or a stipendiary or police magistrate. Recovery of penalties.
